

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Ho	Team: Squad #3	CCRB Case #: 201507201	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/24/2015 5:00 PM	Location of Incident: § 87(2)(b) 81st Precinct stationhouse	Precinct: 81	18 Mo. SOL 2/24/2017	EO SOL 2/24/2017	
Date/Time CV Reported Wed, 08/26/2015 1:55 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/26/2015 1:55 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)		
§ 87(2)(b)		
§ 87(2)(b)		

Witness(es)	Home Address
§ 87(2)(b)	

Subject Officer(s)	Shield	TaxID	Command
1. POM Diery Louis	29819	940395	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Trudnak	05270	957232	081 PCT
2. POM Thomas Schade	04293	957140	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Diery Louis	Abuse: In front of § 87(2)(b) in Brooklyn, PO Diery Louis stopped § 87(2)(b)	
B.POM Diery Louis	Discourtesy: In front of § 87(2)(b) in Brooklyn, PO Diery Louis acted discourteously toward § 87(2)(b)	
C.POM Diery Louis	Abuse: In front of § 87(2)(b) in Brooklyn, PO Diery Louis threatened to arrest § 87(2)(b)	
D.POM Diery Louis	Force: In front of § 87(2)(b) PO Diery Louis used physical force against § 87(2)(b)	
E.POM Diery Louis	Force: In front of § 87(2)(b) in Brooklyn, PO Diery Louis used physical force against an individual.	
F.POM Diery Louis	Abuse: In front of § 87(2)(b) PO Diery Louis damaged an individual's property.	
G.POM Diery Louis	Discourtesy: PO Diery Louis interfered with an individual's use of a recording device.	
H.POM Diery Louis	Abuse: In front of § 87(2)(b) in Brooklyn, PO Diery Louis seized § 87(2)(b)'s property.	
I.POM Diery Louis	Abuse: In front of § 87(2)(b) in Brooklyn and at the 81st Precinct stationhouse, PO Diery Louis refused to provide his name and shield number to § 87(2)(b)	
J.POM Diery Louis	Abuse: At the 81st Precinct stationhouse, PO Diery Louis refused to provide his name and shield number to § 87(2)(b)	
K.POM Diery Louis	Abuse: At the 81st Precinct stationhouse, PO Diery Louis threatened to issue a summons to § 87(2)(b)	

Case Summary

On August 26, 2015, § 87(2)(b) filed this complaint with the CCRB via telephone.

On August 24, 2015, at approximately 5:00 p.m., PO Diery Louis and PO Daniel Trudnak of the 81st Precinct observed § 87(2)(b)'s motorcycle parked on the street and § 87(2)(b) standing next to it on the sidewalk in front of § 87(2)(b) in Brooklyn. PO Louis approached § 87(2)(b) and asked her if the motorcycle was hers, if she knew how to ride it, and for her identification (**Allegation A**). PO Louis radioed the license plate to be checked and for additional units to assist. PO Louis told § 87(2)(b) he had the right to ask her for identification if the motorcycle was not on private property. When she provided it, PO Louis pocketed her identification. § 87(2)(b) tried to show (not an official registration) paperwork stating the motorcycle belonged to her, and PO Louis refused to look at it and smacked her hand, which caused the papers to fall to the ground (**Allegation B**). PO Louis then ordered § 87(2)(b) to give him the keys to the motorcycle; she refused and he then threatened to arrest her if she did not provide it (**Allegation C**). § 87(2)(b)'s brother, § 87(2)(b) sat on the motorcycle and told PO Louis he could not take it. PO Louis laced his fingers together and brought them under § 87(2)(b)'s foot and lifted up, unseating § 87(2)(b) from the motorcycle (**Allegation D**). § 87(2)(b)'s friend § 87(2)(b) asked PO Louis for his name and shield number and when PO Louis responded, "Sure," § 87(2)(b) began recording PO Louis on his phone. PO Louis smacked § 87(2)(b)'s hand out of the way, stating he did not want the phone in his face. His phone landed on the ground and the screen cracked (**Allegations E, F and G**). § 87(2)(b) complained his hand swelled as a result. PO Louis directed PO Trudnak to take the motorcycle to the 81st Precinct stationhouse (**Allegation H**).

At the stationhouse, § 87(2)(b) asked PO Louis for his name and shield number, and after asking numerous times, he finally provided just his shield as "219" (**Allegation I**). § 87(2)(b) alleged he had asked PO Louis numerous times at the initial location and at the stationhouse for his name and shield number but PO Louis did not provide it (**Allegation J**). § 87(2)(b) further alleged PO Louis told her numerous times to leave the stationhouse, but she refused as she wanted her identification back and a voucher for her motorcycle. PO Louis threatened to issue her summonses if she did not leave (**Allegation K**). § 87(2)(b) was eventually returned her identification and issued four summonses.

§ 87(2)(b) provided video footage from her cellphone from inside the 81st Precinct stationhouse; no allegations were recorded. § 87(2)(g)

Video Evidence



201507201.mp4

Snag-it version of cellphone footage provided by § 87(2)(b) [BR 05]
Original footage [BR 04]
Transcript of the footage [BR 07]

Mediation, Civil and Criminal Conviction Histories

- Mediation was offered to and rejected by § 87(2)(b)
- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of December 2, 2015 with regard to the incident.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b)
- PO Diery Louis has been a member of the service for 9 years and there is one substantiated CCRB allegations against him:
 - In case 201303865, an allegation of discourteous action was substantiated; charges were recommended and the NYPD has yet to reach a disposition.

Potential Issues

- There is no documentation available to identify witness officers present at § 87(2)(b) and PO Louis and PO Trudnak did not recall who was present.
 - There are no EVENTS in regards to this incident [NYPD 05].
 - The information cannot be determined based on the tour three roll call, command log, or interrupted patrol log for the 81st Precinct [NYPD 04].
- The investigation was unable to reach § 87(2)(b)'s friend § 87(2)(b) and § 87(2)(b) refused to provide his information to the investigation. Consequently, the investigation does not have a statement from him.

Finding and Recommendations

Allegations Not Pleaded

- **Threat to arrest:** § 87(2)(b) alleged an officer threatened to arrest his son § 87(2)(b) § 87(2)(g)

Recommendations

- **Allegation A – Abuse of Authority: In front of § 87(2)(b) in Brooklyn, PO Diery Louis stopped § 87(2)(b)**
§ 87(2)(b) alleged that after she wheeled her motorcycle from her friend § 87(2)(b)'s lawn directly out onto the street, they stood on the sidewalk waiting for § 87(2)(b)'s mechanic to come and fix her motorcycle [BR 01]. § 87(2)(b) explained that the motorcycle has issues starting, but has no cosmetic damage to it [BR 03]. While standing on the sidewalk next to her motorcycle parked on the curb, PO Louis and PO Trudnak approached her. PO Louis asked § 87(2)(b) if the motorcycle was hers, if she knew how to ride it, and for her identification. PO

Louis radioed the license plate to be verified. PO Louis told § 87(2)(b) he had the right to ask her for identification if the motorcycle was not on private property. When she provided her identification, PO Louis pocketed it. § 87(2)(b) explained to PO Louis that the New York license plates were registered to her uncle under another motorcycle that had been totaled. PO Louis told § 87(2)(b) he was seizing the motorcycle; § 87(2)(b) observed PO Louis and PO Trudnak struggle to start the motorcycle and was surprised they were able to start the motorcycle.

§ 87(2)(b) explained that § 87(2)(b) was with her friend § 87(2)(b) to get her motorcycle fixed [BR 08]. The motorcycle originally belonged to his cousin and was registered under his uncle's name, but after § 87(2)(b) fixed the motorcycle, she planned to transfer it to her name. When § 87(2)(b) arrived at the scene, he heard § 87(2)(b) telling officers, "No one was riding the bike, the bike don't work." § 87(2)(b) argued with officers that he knew no one had been riding the motorcycle because it does not turn on.

§ 87(2)(b) was driving with § 87(2)(b) to pick up § 87(2)(b)'s motorcycle with his van from § 87(2)(b) and § 87(2)(b) to transport it to their house at § 87(2)(b) [BR 06]. § 87(2)(b) did not know what was wrong with the motorcycle, but knew that § 87(2)(b) did not want to ride it because it was not insured.

PO Louis explained that a few hours prior, he observed a motorcyclist (with his/her helmet on) riding recklessly and was unable to conduct a vehicle stop because the vehicle sped away [BR 09]. PO Louis explained he had memorized the license plate number and when he saw the same motorcycle again in front of § 87(2)(b) with a motorcyclist who appeared to be the same individual he observed earlier, he was within his legal rights to stop the motorcyclist. PO Louis observed the motorcyclist sitting on the motorcycle with his/her helmet and riding gloves on, and the kickstand up. PO Louis enclosed the motorcycle between his vehicle, a parked vehicle, and the curb to prevent the motorcyclist from riding away. PO Louis instructed the motorcyclist to turn off the motorcycle. § 87(2)(b) the motorcyclist, asked PO Louis why, and he replied that she was in a car stop, and again instructed her to get off the motorcycle, to turn it off, and to take off the helmet. When § 87(2)(b) refused, PO Louis explained that if she did not turn off the motorcycle, he would assist her in getting off. § 87(2)(b) gave in and dismounted her motorcycle and put down the kickstand. PO Louis requested § 87(2)(b) to remove her helmet, as well as provide her driver's license, registration, and proof of insurance for the vehicle. PO Louis looked at the motorcycle and did not see any inspection sticker on the vehicle. During his interview, PO Louis explained he had asked for § 87(2)(b)'s driver's license to issue her summonses for the unregistered and uninspected vehicle, as he had no intent to arrest her for the reckless driving he observed earlier as he had not seen the motorcyclist's face and could not say for certain that it was her riding the motorcycle. PO Louis told § 87(2)(b) that she was being stopped because her vehicle was in violation and that he needed her driver's license to issue her summonses.

Although PO Trudnak was partnered with PO Louis for the duration of the entire tour, he denied having observed a motorcyclist riding erratically earlier that day [BR 10]. Moreover, PO Trudnak did not recall PO Louis attempt to conduct a vehicle stop of any motorcycle with him in the car earlier that day. However, PO Trudnak explained that there are a lot of motorcyclist in the 81st Precinct that drive erratically. PO Trudnak was unsure of PO Louis' intent when PO Louis pulled over to conduct a vehicle stop. PO Louis approached the motorcyclist, § 87(2)(b) who was sitting on her motorcycle in the street, and asked her for her papers. After PO Louis confirmed the motorcycle was unregistered, PO Louis decided that they would have to seize the motorcycle. PO Trudnak did not have any difficulty starting the engine of the motorcycle before he rode it to the 81st Precinct stationhouse. PO Trudnak explained that the motorcycle did not appear to be damaged in any way.

In People v. Debour, 40 N.Y.2d 210 (1976), the courts have established that officers have the “right to request information,” the least intrusive level of interference with a civilian, if he/she “has an objective credible reason not necessarily indicative of criminality” [BR 19]. Common law inquiries must be conducted in a “general nonthreatening encounter” in which an individual is approached for an articulable reason and asked briefly about his or her identity, destination, or reason for being in the area. Officers can forcibly stop and detain an individual whenever they has a reasonable suspicion that the individual has committed, is committing, or is about to commit a crime. Also in People v. Taylor, 2006 NY Slip Op 05429, officers may stop a vehicle based upon a reasonable suspicion that the driver or occupants of the vehicle have committed, are committing, or are about to commit a crime [BR 20].

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

- **Allegation B – Discourtesy: In front of § 87(2)(b) in Brooklyn, PO Diery Louis acted discourteously toward § 87(2)(b)**
- **Allegation C – Abuse of Authority: In front of § 87(2)(b) in Brooklyn, PO Diery Louis threatened to arrest § 87(2)(b)**

§ 87(2)(b) alleged when she tried to show PO Louis paperwork (not an official registration) stating the motorcycle belonged to her, PO Louis refused to look at it and smacked her hand, which caused the papers to fall to the ground [BR 01]. After she picked up the papers and stowed them in her pocket, PO Louis instructed her give him the keys to the motorcycle as he was seizing it. § 87(2)(b) argued back and forth with PO Louis, and he asked her four more times for the keys. Then, he took out his handcuffs and went to grab § 87(2)(b)'s arm to handcuff her. § 87(2)(b) pulled her arm away. PO Louis warned § 87(2)(b) again that if she did not provide the keys, he could arrest her.

§ 87(2)(b) did not observe if § 87(2)(b) provided any papers to PO Louis [BR 08]. § 87(2)(b) did not observe or hear PO Louis and § 87(2)(b) converse about the keys for the motorcycle.

PO Louis denied having smacked § 87(2)(b)'s hand as she tried to give him any papers and explained that § 87(2)(b) never tried to hand him any papers for the motorcycle [BR 09]. When PO Louis could not get a van to their location, he had PO Trudnak drive the motorcycle back to the 81st Precinct stationhouse. § 87(2)(b) did not want to give them the keys to the motorcycle and tried to remove them from the ignition. § 87(2)(b) told PO Louis she needed to take her house keys from the key ring. PO Louis did not observe § 87(2)(b) remove the keys from the motorcycle as she removed her house keys. PO Louis denied having threatened to arrest § 87(2)(b) for not giving the keys to the motorcycle.

PO Trudnak did not recall § 87(2)(b) handing any papers for the motorcycle to PO Louis and did not observe PO Louis smack her hand when she attempted to hand papers to him [BR 10]. PO Trudnak further explained that the officers did have some difficulty obtaining the key to the motorcycle; they conversed with § 87(2)(b) for ten to fifteen minutes before she reluctantly handed them the keys. PO Trudnak did not observe or hear PO Louis threaten § 87(2)(b) with arrest if she did not provide him with the keys to the motorcycle.

§ 87(2)(g)

• **Allegation D – Force: In front of § 87(2)(b) in Brooklyn, PO Diery Louis used physical force against § 87(2)(b)**

When § 87(2)(b)'s brother and father arrived at § 87(2)(b) and discovered PO Louis was trying to seize the motorcycle, § 87(2)(b) mounted the motorcycle and told PO Louis he could not take it [BR 01]. § 87(2)(b) observed PO Louis lace his fingers together and bring them under § 87(2)(b)'s foot and lift up, unseating § 87(2)(b) from the motorcycle. As a result, § 87(2)(b) fell back into § 87(2)(b).

Upon his arrival, § 87(2)(b) found out officers were going to seize § 87(2)(b)'s motorcycle. § 87(2)(b) told the officers, "Bullshit," and he proceeded to sit on the motorcycle so that officers could not seize it [BR 08]. PO Louis ordered § 87(2)(b) to dismount the motorcycle and when § 87(2)(b) refused, PO Louis grabbed his left foot and pushed up and to the right to swing his leg back over the motorcycle. § 87(2)(b) fell off and two officers standing behind him caught him before he could fall to the floor. § 87(2)(b) alleged PO Louis' action aggravated a prior injury to his knee.

§ 87(2)(b) did not observe § 87(2)(b) sit on the motorcycle or PO Louis push his son off the motorcycle [BR 06].

PO Louis explained that he had already taken possession of § 87(2)(b)'s motorcycle and was holding it by the left handlebar and seat when § 87(2)(b) approached him [BR 09]. § 87(2)(b) said, "Oh, he's not taking the bike," and threw his left foot over the motorcycle to mount it. The bottom of § 87(2)(b)'s foot brushed against PO Louis' uniform in the process. PO Louis told § 87(2)(b) to get off the motorcycle and with his right hand, caught § 87(2)(b)'s foot before he was able to fully mount the motorcycle and pushed his foot back over. § 87(2)(b) did not fall to the ground nor did anyone catch him; PO Louis observed § 87(2)(b) take half a step back to regain his balance.

As PO Trudnak observed § 87(2)(b) prepare to mount the motorcycle so officers could not seize it, PO Louis grabbed § 87(2)(b) by the leg and told him to stop [BR 10]. PO Trudnak did not recall if § 87(2)(b) lost his balance, but stated he did not observe § 87(2)(b) fall to the ground or observe anyone catch § 87(2)(b) before he fell.

NYPD Patrol Guide §203-11 discusses the justification for the use of physical force by officers [BR 21]. It explains that an officer is able to use physical force to overcome resistance in the course of effecting an arrest, preventing an escape, and in self-defense from what "he or she reasonably believes to be the use or imminent use of physical force."

It is undisputed that after PO Louis stated he was seizing the motorcycle, § 87(2)(b) attempted to prevent this by sitting on the motorcycle. § 87(2)(g)

- **Allegation E – Force: In front of § 87(2)(b) in Brooklyn, PO Diery Louis used physical force against an individual.**
- **Allegation F – Abuse of Authority: In front of § 87(2)(b) in Brooklyn, PO Diery Louis damaged an individual’s property.**
- **Allegation G – Discourtesy: PO Diery Louis interfered with an individual’s use of a recording device.**

§ 87(2)(b) alleged § 87(2)(b) had asked PO Louis for his name and badge number, and PO Louis told § 87(2)(b) “Sure” [BR 01]. Then, § 87(2)(b) took out his cellphone and began to record PO Louis. PO Louis immediately smacked § 87(2)(b)’s hand that held his cellphone, which caused his phone to drop to the ground. § 87(2)(b) stated that § 87(2)(b)’s screen cracked as a result of the impact and that a bump formed on the knuckle of § 87(2)(b)’s hand as well.

While § 87(2)(b) was speaking with others, he observed § 87(2)(b) had been trying to record PO Louis to get his name and badge number but PO Louis kept moving out of the way [BR 08]. PO Louis told § 87(2)(b) “I told you to stand back! I told you to stand back!” § 87(2)(b) yelled out, “My phone!” and complained that his phone had fallen which caused his screen to crack.

§ 87(2)(b) did not witness PO Louis knock § 87(2)(b)’s phone from his hand [BR 06]. § 87(2)(b) heard § 87(2)(b) complain that his phone was broken.

When § 87(2)(b) came towards PO Louis with his cellphone out recording the incident and asked for his name and shield number, PO Louis explained he provided his information to § 87(2)(b) three times as well as showed his nameplate and shield number to § 87(2)(b)’s camera [BR 09]. § 87(2)(b) encroached on PO Louis’ ‘personal area’ and held his cellphone too close to PO Louis’ neck. During his interview, PO Louis explained that the NYPD has had numerous cases with cellphones having knives hidden inside their cases and was afraid he could be slashed. PO Louis told § 87(2)(b) at least four times, “Do me a favor, back up.” PO Trudnak also ordered § 87(2)(b) to step away from PO Louis. When § 87(2)(b) refused to step away, he pushed § 87(2)(b)’s hand out of the way and told him for the last time to back away. § 87(2)(b)’s phone dropped to the ground. When § 87(2)(b) picked it up, PO Louis could clearly see the phone was still recording and that no damage had been incurred to the phone.

PO Trudnak observed § 87(2)(b) approach PO Louis as § 87(2)(b) was recording the incident on his cellphone [BR 10]. PO Trudnak was able to see the phone and noted it was not damaged at the time. PO Trudnak did not engage with § 87(2)(b) as PO Louis told § 87(2)(b) to “back up.” PO Trudnak did not know if § 87(2)(b) was trying to record anything, and had not heard him ask PO Louis for his name and shield number. PO Trudnak did not remember if he observed PO Louis push the phone out of § 87(2)(b)’s hand or if the phone ever fell to the ground. PO Trudnak did recall someone complain about a damaged phone, but did not know how the phone became damaged.

At twenty seconds into the video, § 87(2)(b) holds his phone up to the camera and shows his right hand to the camera [BR05]. § 87(2)(g)

§ 87(2)(g)



§ 87(2)(g)

§ 87(2)(g)

• **Allegation H – Abuse of Authority: In front of § 87(2)(b) in Brooklyn, PO Diery Louis seized § 87(2)(b)'s property.**

As previously discussed, § 87(2)(b) alleged PO Louis stopped her while she was standing next to her motorcycle which was parked by the curb [BR 01]. § 87(2)(b) stated that the motorcycle was inoperable and that the engine would not start. When PO Louis told § 87(2)(b) that the license plate was not registered to her, § 87(2)(b) informed him she had taken the plate from her uncle's motorcycle and that it was going to be transferred to her. § 87(2)(b) informed PO Louis that while she did not have an official registration for the motorcycle, she had unofficial documentation with her name and the vehicle identification number of the motorcycle.

When § 87(2)(b) asked why the motorcycle was being seized, PO Louis said it was because it was not registered and not insured [BR 08].

§ 87(2)(b) did not know if § 87(2)(b)'s motorcycle needed repair, but stated he knew that § 87(2)(b) did not want to ride it because it was not insured [BR 06].

As previously discussed, PO Louis alleged he unsuccessfully attempted a vehicle stop of the same motorcycle earlier that day [BR 09]. A few hours later, PO Louis alleged he observed § 87(2)(b) sitting on her motorcycle with the engine running. When PO Louis approached § 87(2)(b) he observed that the motorcycle's license plate had a registration sticker expiring in 2016, but the windshield of the motorcycle did not have a registration sticker at all. § 87(2)(b) explained to him that although the motorcycle was hers, she had taken the license plate from her father's motorcycle to place onto hers. Furthermore, § 87(2)(b) could not produce insurance papers for the vehicle. PO Louis told § 87(2)(b) "If you want to do a transfer, you have to go to the DMV and transfer the plates to that motorcycle. Ma'am, unfortunately, I'll have to give you a few summonses and impound the motorcycle. Now, once the motorcycle is properly insured, registered, you can come back to the precinct with your identification, the title for the vehicle, and you will be able to get your vehicle back." § 87(2)(b) lamented to PO Louis that she would have to 'pay this' and 'do that.' PO Louis told § 87(2)(b) that everyone who operates a vehicle has to take the necessary legal actions.

PO Trudnak recalled that when PO Louis discovered the motorcycle was unregistered and the license plate was not registered to the motorcycle, the motorcycle would have to be seized [BR 10]. After PO Louis determined this, PO Trudnak spoke with two civilians and explained to them it was illegal to have an unregistered motorcycle on public streets.

PO Schade explained that PO Louis entered the 81st Precinct stationhouse and requested he run a plate number in the computer database [BR 11]. The search PO Schade ran would note who the vehicle is registered to and the registration status; PO Schade did not recall the search results. PO Schade printed the results and handed them to PO Louis when he was done.

A driver license check by client ID number for § 87(2)(b) run by PO Schade on August 24, 2015 at 6:46 p.m. showed § 87(2)(b)'s motorcycle permit expired on § 87(2)(b) and there are no vehicles registered in her name [NYPD 01]. Property voucher #§ 87(2)(b) notes an unregistered and uninsured red Honda motorcycle was held to determine the motorcycle's true ownership, and not to be released without proof of registration or insurance [ibid]. An entry by PO Louis in the command log at 9:10 p.m. notes the motorcycle was seized to determine the true owner and stored in the garage [NYPD 04].

NYPD P.G. §218-19 classifies four instances in which cars can be seized into police custody: a)

arrest evidence; b) investigatory evidence; c) forfeiture proceedings; or d) to determine the true owner [BR 23]. Subsection 13 notes an officer can take an occupied vehicle into custody if the true owner cannot be determined and immediate arrest is not warranted.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- **Allegation I – Abuse of Authority: In front of § 87(2)(b) in Brooklyn and at the 81st Precinct stationhouse, PO Diery Louis refused to provide his name and shield number to § 87(2)(b)**
- **Allegation J – Abuse of Authority: At the 81st Precinct stationhouse, PO Diery Louis refused to provide his name and shield number to § 87(2)(b)**

When § 87(2)(b) asked PO Louis for his name and shield number, PO Louis replied that he provided it to her four times already [BR 01]. § 87(2)(b) informed PO Louis that he never provided her with his information, and asked him for it again. PO Louis told her, “2-1-9, I gave it to you again!” After § 87(2)(b) heard § 87(2)(b) ask PO Louis for his name and shield number and had heard PO Louis respond, “Sure,” § 87(2)(b) observed § 87(2)(b) begin to record PO Louis on his phone.

§ 87(2)(b) explained that in front of § 87(2)(b) and at the 81st Precinct stationhouse, he and others asked PO Louis over seventy times to provide his name and shield number but PO Louis refused to provide it [BR 08]. § 87(2)(b) recalled that PO Louis either refused to provide it or at times, used his arm to block his shield number and nameplate, or turned his body away from them so they could not read his nameplate and shield number. At the stationhouse, § 87(2)(b) went to the far end of the front desk and was able to read PO Louis’ name from his nameplate.

§ 87(2)(b) heard § 87(2)(b) and § 87(2)(b) ask PO Louis for his shield number numerous times while in front of § 87(2)(b) and each time, PO Louis told them he already provided it [BR 06]. § 87(2)(b) heard § 87(2)(b) ask PO Louis again for his shield number inside the stationhouse and again, PO Louis did not provide it to her.

When asked if any civilians requested his information, PO Louis explained that when § 87(2)(b) asked him for his name and shield number, he provided it to her [BR 09]. § 87(2)(b) did not write down his information, but wanted him to write it down for her, which he refused to do.

PO Trudnak did not hear anyone ask PO Louis for his name and shield number while in front of § 87(2)(b) [BR 10]. Inside the stationhouse, PO Trudnak heard one civilian ask PO Louis for his information while PO Schade [BR 11] did not hear anyone ask PO Louis for his information.

PO Louis issued four summonses to § 87(2)(b) [NYPD 03]. While PO Louis’ name is not decipherable written as “PO Dy L.,” his tax number is legible as 940395.

At forty-four seconds into the video, § 87(2)(b) is heard off camera yelling out, “2-9-8-1-9. That’s his badge number” [BR05]. Then, § 87(2)(b) is heard repeating PO Louis’ shield number as well. It is not heard if anyone asked PO Louis to provide his information.



201507201.mp4

NYPD Patrol Guide §203-09(1) states an officer must courteously and clearly state their rank,

name, shield number and command, or otherwise provide them, to anyone who requests them to do so [BR 14].

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

• **Allegation K – Abuse of Authority: At the 81st Precinct stationhouse in Brooklyn, PO Diery Louis threatened to issue summonses to § 87(2)(b)**

§ 87(2)(b) alleged that after PO Louis told her, “I’m done with you, you can go,” and she did not leave, PO Louis said, “If you don’t leave the stationhouse, I’m gonna give you some summonses” [BR 01]. PO Louis did not tell § 87(2)(b) what she could be issued any summonses for and she did not know what she could have been issued a summons for. At the time, PO Louis had not yet issued § 87(2)(b) any summonses. § 87(2)(b) waited allegedly another two to three hours before PO Louis issued her four summonses, none of which were for refusing to leave the stationhouse.

§ 87(2)(b) confirmed that PO Louis wanted them to leave the stationhouse, but that he instructed them to wait outside it while he wrote the summonses [BR 08]. § 87(2)(b) did not hear PO Louis threaten to issue § 87(2)(b) summonses.

§ 87(2)(b) heard PO Louis tell § 87(2)(b) her license was expired and that he would mail it back to Albany, and that she would have to reapply for a new one [BR 06]. After PO Louis explained to § 87(2)(b) he would be issuing her summonses for certain infractions, they waited outside the stationhouse for PO Louis to write the summonses. After waiting an hour to an hour and a half outside the entrance of the stationhouse, PO Louis came outside to return § 87(2)(b) s identification and issue her the summonses for the infractions he listed to her earlier.

PO Louis already asked for and was provided with § 87(2)(b) s identification while in front of § 87(2)(b) [BR 09]. PO Louis explained to § 87(2)(b) he already intended to issue her summonses for the unregistered and uninspected vehicle, and at the conclusion of his investigation at the stationhouse, also issued § 87(2)(b) summonses for being an unlicensed operator and failing to produce insurance papers. PO Louis explained that he needed to return to the 81st Precinct stationhouse, which is one block away from § 87(2)(b) to voucher § 87(2)(b) s motorcycle and safely issue her the summonses. PO Louis denied threatening § 87(2)(b) if she did not leave the stationhouse. After PO Louis was finished writing the summonses, he went to approach § 87(2)(b) who was waiting outside to issue her the summonses. PO Louis denied having threatened to issue § 87(2)(b) summonses if she did not leave the stationhouse.

PO Trudnak and PO Schade did not hear PO Louis order § 87(2)(b) to leave the stationhouse and did not hear him threaten to issue her summonses if she did not leave [BR 10; BR 11].

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad: 3

Investigator: _____ Rebecca Ho 01/06/15
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date